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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/802,558

03/17/2004

Tracy Alan Metzger

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NEAL, GERBER, & EISENBERG
SUITE 2200
2 NORTH LASALLE STREET
CHICAGO, IL 60602

EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/802,558 | Applicant(s) METZGER, TRACY ALAN | |
| | Examiner Asfand M. Sheikh | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/1/2004, 8/5/2005, 9/30/2005, 7/20/2007, and 10/14/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities: The examiner notes the applicant lists two Claim 13(s). Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 8-9, 13-14, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view Brotherston (US 2002/0010633 A1).

Claim 1-3, 6, 14, 19, and 20

Brown discloses a system for inventory and sales reconciliation for multiple schedules events (see at least, abstract), comprising: an interface in communication with a database for entering a collection of inventory items in the database for a selected one of the multiple scheduled events (see at least, col. 4, lines 15-55: the examiner notes a management corporate headquarter assigns inventory to a train that needs to be stocked to the commissionaires at depot stations is interpreted to be an interface to communicate inventory items for a sexed one of multiple schedules events and further

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upload/download of data would be done via a workstation and database (see col. 12, Lines 10-20), the selected event occurring at a remote location (see at least, col. 4, lines 15-55: the examiner notes a train is a remote location); a portable terminal for transport with the collection of inventory items to the remote location for collecting sales transactions information relating to the sales of one or more of the inventory items to the consumers (see at least, col. 4, lines 15-55) and a report server for receiving information from the database and the portable terminal for reconciliation of the inventory items and sales transaction information after the selected event (see at least, col. 6, lines 35-54 and col. 7, lines 26-41), further Brown discloses [claim 2] a payment server for receiving the consumer information from the portable terminal for completing the sales transaction after the selected event, the payment server in communication with the report server (see at, least, col. 6, lines 35-54 and col. 7, lines 26-41) and the report and payment servers, using the inventory and sales transaction information for completing business transactions with one or more owners of the inventory items (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41) and [claim 6] wherein the consumer information comprises credit card information and the payment server is operable to route the card information to a final network for transaction authorization and settlement (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41)

Brown fails to disclose the use of an Internet portal for communication.

However Brotherston discloses the use of an Internet portal for communication (see at least, [0044]), further Brotherston discloses [claim 3] a remote location comprises a scheduled air line flight (see at least, [0042]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown to include the use of an Internet portal for communication as taught by Brotherston. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide rigorous tracking of data to support analysis of productivity associated with both travel and service commodities (see at least, [0005]).

Claim 8-9 and 13

Brown discloses a back-office subsystem including at least one server and a database for storing a plurality of travel profiles and completed travel information (see at least, col. 7, lines 52-61 and col. 15, lines 7-29), and administrator user interface in communication with the back-office subsystem for imputing and maintaining the profiles (see at least, col. 7, lines 52-61 and col. 15, lines 7-29); and end-user interface in communication with the back-office subsystem for inputting completed travel information (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41); and in-travel terminal device for completing sales transactions and tracking on-board inventory (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41), further Brown discloses a profile comprises information for a default list of items to be sold on a scheduled travel (see at least, col. 7, lines 52-61 and col. 15, lines 7-29) and further

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completed travel information comprises sales transaction information and inventory information (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41),.

Brown fails to disclose wherein the information is flight information.

However Brotherston discloses (see at least, [0042]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown to include the information is flight information as taught by Brotherston. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide rigorous tracking of data to support analysis of productivity associated with both travel and service commodities (see at least, [0005]).

Claims 4-5, 7, 10-12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view Brotherston (US 2002/0010633 A1) as applied to the respective independent claims, and further in view of Examiner's Official Notice.

Claims 4-5 and 10-12, 15-17

Brown discloses a POS device that is able to be docked to a workstation to upload/download transaction and inventory data.

Brown in view of Brotherston fails to disclose wherein this POS device is a PDA that has a cradle for upload/download of data and further contains a touch screen

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interface, printer, and magnetic card stripe reader that can perform a sales transaction/adjust inventory and capture an electronic signature.

The examiner takes Official Notice that it is old and well none in the POS arts to have a PDA that can perform the functions as claimed by the applicant (as noted above).

One of ordinary skill in the art would have been motivated to combine the teachings of Brown in view of Brotherston with the features of the Examiner's Official Ntoice in order to provide a mobile transaction device an easy to carry device that can perform transactions.

Claims 7 and 18

Brown in view of Brotherston fails to disclose receiving transaction information from a financial network and storing settlement information into a database.

The examiner takes Official Notice that it is old and well none in the credit card arts to have a credit entity return credit authorization and have it stored in a database as a form of a record in order to signify the transaction.

One of ordinary skill in the art would have been motivated to combine the teachings of Brown in view of Brotherston with the features of the Examiner's Official Ntoice in order to provide a clear and concise records of all transaction that have taken place.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/
Examiner, Art Unit 3627
12/18/2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627